

City of Taylorsville
Planning Commission Meeting Minutes
June 12, 2018
Pre-meeting – 6:00 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Lynette Wendel, Chair
John Warnas, Vice Chair
Anna Barbieri
Kent Burggraaf
Don Quigley
Justin Peterson


Community Development Staff


Mark McGrath – Director/Community Development
Angela Price – Associate Planner
Amanda Roman – Associate Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Asst/Recorder

PUBLIC: Scott Muselin, Sharon Lee, Glenn Lee, Virgil Grillone, Ernest Burgess (City Council)

WELCOME: **Commissioner Wendel** assumed duties as Chair, welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m.

WORK MEETING – 6:00 P.M.

1. The briefing session to review the agenda was conducted by **Mark McGrath** at 6:00 p.m.
 - 1.1.1 Staff reviewed two text amendments (One regarding Section 13.11.230 – Wireless Telecommunication Facilities and the other was for Chapter 37, Design Standards, Adding Section 7 – Regarding Design Standards Specific to Utilities and Wireless Facilities). Also discussed was a Two-Lot Subdivision at 5170 South 1130 West.
 - 1.1.2  6:31 PM Commissioner **Wendel** suggested giving some time to Commissioner Barbieri for a short presentation about upcoming Taylorsville Dayzz. She complied and gave her ideas about what to include in the Planning Commission booth, which included several ideas for posters and handouts. **Commissioner Barbieri** added she had given thought to going to local businesses to get donation baskets to give out to people coming to the booth. **Commissioner Wendel** suggested that there be a hand out prepared showing the Code Enforcement process, start to finish. Their goal is to build better interaction with the general public and the City.

 7:00 PM **WELCOME:** **Commissioner Wendel** assumed duties as Chair, welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA

2. Review/approval of Minutes for April 10 and April 24, 2018.



MOTION: **Commissioner Barbieri** - I move for approval of the Consent Agenda consisting of the Minutes for April 10th and 24th, 2018, as presented.


SECOND: **Commissioner Warnas**

VOTE: **Commissioner Peterson** – AYE, **Commissioner Barbieri** – AYE, **Commissioner Quigley** – AYE, **Commissioner Warnas** – AYE, **Commissioner Burggraaf** – AYE. Motion passes unanimously.

TEXT AMENDMENTS

3. 8Z18 - Recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code, Section 13.11.230 – Wireless Telecommunication Facilities and Definitions Section 13.36.240. (Angela Price/Associate Planner)

Mr. McGrath introduced the first two items saying the Commission has seen these two items before.  After further discussion with the City Attorney's Office, Staff is now suggesting several changes. The first one, Item #3 is proposed amendments to existing Chapter 13.11.230, Wireless Telecommunications Facilities Section. The existing ordinance was pretty much designed for cell towers and the small cell units were not around back in 2012 when the present ordinance was adopted. Therefore, these proposed amendments on Item #3 are basically recognizing small cells. Item #4 is for the Design Standards for small cells. This is a new section to the Design Standards. At some point it will evolve into Design Standards for all utilities, including those UDOT pedestals, meters on power poles, etc. Right now this is just specific to small cell units. The intent is to hire a consultant to help with development of the Design Standards for everything else. That will probably be coming before the Commission in four or five months. **Commissioner Quigley** added that it is interesting how this makes everyone more aware of surroundings when out and about. He was recently back east and could not believe how many roof top cell apparatuses he notices. **Mr. McGrath** agreed saying that it seems like every utility needs the data pedestals with something in them and are now becoming so prolific that it impacts the quality of streetscapes. 

3.1 **Ms. Price** presented this item.  7:17 PM She said Staff is proposing a text amendment to the Taylorsville Land Development Code, Wireless Telecommunication Facilities Section 13.11.2230 and Definitions Section 13.36.240. The proposed text amendment will add non-discriminatory requirements for the development of Small Wireless Facilities (SWF). Additionally, the text amendment will provide consistency, clarity and compliance with State statute. Following is a summary of the text amendments and rationale for these changes:

3.1.1 Master Plan Requirements – Current Code requires a Telecommunication Facility Justification Study and Master Plan. The requirements for both studies were redundant. Staff is proposing consolidating the Telecommunication Facility Justification Study into the Master Plan, which will be reviewed by the Community Development Director (13.11.230(D)(E)).

3.1.2 Permitted-Use Application – Staff is proposing to add application parameters, as well as requirements and specifications for utility poles and Small Wireless Facilities (SWF), (13.11.230((G)(F)).

3.1.3 Technical Necessity Exception – Clarifications and minor changes are proposed to incorporate design criteria (13.11.230(H)).

3.1.4 Design Districts and Historic Overlay Zone – Staff is proposing to add design districts to the historic district section and provide direction to applicants proposing Wireless Telecommunication Facilities in these designated areas (13.11.230(J)).

3.1.5 Definitions – Small Wireless Facilities (SWF) has been added to the definition section, along with several supporting definitions (13.36.240)

3.2 **Findings:**

3.2.1 This application was initiated by the Community Development Department.

3.2.2 Staff is proposing combining the requirements of the Telecommunication Facility Justification Study into the Master Plan.

3.2.3 Changes have been proposed to the Wireless Telecommunication Facilities Permitted Uses application process, and requirements for the Technical Necessity Exception.


3.2.4 Design District and Historic Resources Overlay Zone standards are proposed and will be designated in other chapters of the Code.

3.2.5 SWF definitions have been added to provide guidance in the Wireless Telecommunication Facilities section of Code.

3.2.6 This text amendment was approved by the Planning Commission on April 24, 2018. Staff has since revised the text amendment to include feedback from the Planning Commission and Legal Department.

3.2.7 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.

3.3 **Staff Recommendation:** Staff recommends that the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code

3.4 **Speaking:** Commissioner Wendel opened the public hearing.  7:12 PM No one came forward; therefore, she closed the public hearing and opened the meeting up for discussion by the Planning Commission or a motion.

3.5 **MOTION:** Commissioner Peterson - I will make a motion to send a positive recommendation to the City Council for Text Amendment approval to the Taylorsville Land Development Code, Section 13.11.230,

Wireless Telecommunications Facilities Section.  7:12 PM

SECOND: Commissioner Warnas

Commissioner Burggraaf – That should also include Definitions Section 13.36.240. Commissioner Peterson agreed to that change to his motion.


Commissioner Wendel repeated the motion to send a positive recommendation to the City Council for File #8Z18 including the reference to Definitions Section 13.36.240.

VOTE: Commissioner Peterson – AYE, Commissioner Barbieri – AYE, Commissioner Quigley – AYE, Commissioner Warnas – AYE, Commissioner Burggraaf – AYE

Commissioner Wendel reopened the public hearing into this matter because the items were heard out of order and no one came forward to speak, therefore, Commissioner Wendel closed the public hearing again. Corrected Motion for File #8Z18 stands.

4. 5Z18 – Recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code, Chapter 37, Design Standards, Adding Section 7 – Design Standards Specific to Utilities and Wireless Facilities. (Angela Price/Associate Planner)

4.1 **Ms. Price** presented this item. Staff is proposing a text amendment to the Taylorsville Land Development Code, Chapter 13.37 – Design Standards concerning the installation of Small Wireless Facilities (SWF). In the future it is anticipated that this new section will be expanded to include standards for the installation of other utilities. She summarized the text amendments and rationale as follows: Design Standards and Best Practices Specific to Utilities and Small Wireless Facilities: Standards for design compatibility, node materials and colors, concealment, placement, underground utilities, maintenance and Design Districts and Historic Resources Overlay Zones are proposed to provide guidance to SWF applicants and providers.

4.1.1 **Ms. Price** thanked the Commissioners for their feedback relative to these items and continued her presentation.  7:04 PM This was an item that came before the Commission on April 24th, a text amendment for Design Standards, Chapter 37. That evening, the Planning Commission sent a positive recommendation to the City Council for the text amendment, however, had several suggestions and feedback that evening, because of which Staff worked with the legal department in preparation for the presentation to the City Council and took a step back on the text amendment to review some of the proposal and detail better the approach. On the 24th of April there were changes to the introduction along with changes to window signage. That is not being presented tonight because it was already approved.


4.1.2 She went over some basic changes made for the presentation tonight saying that Staff updated the table of contents, introduction and the signage. They then added design standards specific to utilities and small wireless facilities. With the updated text amendment this evening, Staff took a step back saying that they have all the requirements listed and they are things wanted for every small cell project. The decision was made to put all of those things into a general requirement category. Staff looked at everything for each project which are required for every project. Staff had already designated some design district and historic overlay resources zones. That area will have more detailed design/guidelines as it goes deeper. Staff just wanted to provide general requirements at this point, which will be across the board for every small cell project.

4.1.3 Regarding the node height, a master plan has been approved by the Commission previously for ExteNet. They have been really helpful in guiding Staff through this relatively new process. The City is obviously concerned about material and colors in order to preserve the streetscapes. That is the reason for the high standards included in this to provide consistency. Also, on the height, Staff wants to preserve the pedestrian scale of all streetscapes but with emphasis placed in the residential neighborhoods. That is the reason for the 25' high maximum in residential neighborhoods. Typically, a residential street light is 16 to 25' high. The reasoning is also to discourage nodes in residential neighborhoods as much as possible.

4.1.4 On concealment measures, Staff is still working on diagrams for that but felt more detail was necessary in that area. Also, since the meeting in April, ExteNet has been working with Rocky Mountain Power closely in this endeavor. The power company has their own requirement on allowing nodes mounted to their utility poles not just power running to small cell nodes. To accommodate this, Rocky Mountain Power is requiring a “kill

switch” on the outside of the pole where nodes are located. That will affect the City’s design standards for nodes as well.

4.1.5 On placement and maintenance standards, that will require some type of bonding being in place potentially. Questions still exist on how to control maintenance and removal of equipment. **Ms. Price** said she had been working with the City Attorney on this issue and he has included some language thereto. There will probably be additional language included in the franchise agreement to require bonding, and additional maintenance/removal language.



4.1.6 **Commissioner Wendel** complimented Staff on the amount of work they put into this asked the Commissioners if they had any questions or comments. **Commissioner Burggraaf** commented that he appreciated Staff giving this another look and making the language more consistent.  7:06 PM

4.2 **Findings:**

- 4.2.1 This application was initiated by the Community Development Department.
- 4.2.2 The new Design Standards included in the text amendment are intended to facilitate the orderly placement and installation of SWF’s in the City.
- 4.2.3 This text amendment was approved by the Planning Commission on 4/24/18. Staff has since revised the text amendment to include feedback from the Planning Commission and City Attorney’s Office.
- 4.2.4 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.

4.3 **Staff Recommendation:** Staff recommends that the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Chapter 13.37, Design Standards.

4.4 **Speaking:** **Commissioner Wendel** asked if anyone wished to speak either in favor or opposition to this item and seeing there were none, closed the public hearing and opened the meeting up to the Commission for discussion or a motion.

4.5 **MOTION:** **Commissioner Peterson** - I will make a motion to send a positive recommendation to the City Council for File 5Z18, a Zoning Text Amendment to the Taylorsville Land Development Code, Chapter 13.37, Design Standards, based on the Findings as stated in the Staff Report.   7:15 PM

SECOND: **Commissioner Warnas**

Motion was repeated by Commissioner Wendel to send a positive recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code, Chapter 13.37, Design Standards, based on the Findings as stated in the Staff Report.

VOTE: **Commissioner Peterson** – AYE, **Commissioner Barbieri** – AYE, **Commissioner Quigley** – AYE, **Commissioner Warnas** – AYE, **Commissioner Burggraaf** – AYE

SUBDIVISION

5. 3S18 – Virgil Grillone – Consideration of a Preliminary Plat for a Two-Lot Subdivision – 5170 South 1130 West. (Angela Price/Associate Planner)

5.1 **Ms. Price** presented this item. The applicant is requesting consideration of a two-lot subdivision on property presently zoned R-1-20 (minimum 20,000 square foot lot size). The proposed subdivision will have two half-acre lots (0.50 acre), roughly 21,760 square feet per lot. The property currently has a duplex on it, which the applicant intends to demolish and build two new homes. To meet Code requirements, the lot sizes must be at least 90 feet wide, which the proposed plat meets. The proposed subdivision meets the setback requirements for the R-1-20 zone and has access via a private road on 5170 South. Per code 13.23.110(B), the proposed subdivision will have a private lane that includes a 25 right-of-way to access the front and rear lot. The applicant was advised to provide access via a private lane versus a flag lot due to a provision in 13.21.220(B) which states a flag lot may not stem from a private road.

5.1.1 The applicant is requesting special consideration from the Planning Commission as follows:


5.1.1.1 The subdivision is proposed on a narrow private street (5170 South) that does not have sidewalks, park strips or curb and gutter. Per 13.21.100 (P), a waiver must be requested from

the Planning Commission and recommendation from the City Engineer. The waiver would provide consistency with the rest of the street. (Engineer recommendation was, "there is no need for curb, gutter, sidewalk, and park strip on a private lane, nor does it call for these items in our Code. Engineering would prefer to see storm water sheet flow off the road surface, thus eliminating the need for curb, gutter, sidewalk and park strip. Additionally, a note will be included on the final plat indicating that Taylorsville City will not maintain this private lane."

- 5.1.1.2 The Fire Department has requested a "hammerhead" due to the nature of the narrow private street and the need for adequate access to the rear property. Per 14.12.080(B), the Planning Commission must approve a hammerhead per recommendation from the Development Review Committee. Due to the nature of the rear property being landlocked and off a narrow private street, a hammerhead is recommended for accessibility for fire apparatuses. The Fire Department recommendation is "This project is a dead-end deep lot over 150 feet and requires a fire access road. International Fire Code D103.4 states dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. For less than 150 feet none is required, 151 to 500 feet width minimum of 20 feet, over 501 feet to 750 feet, width 26 feet and any fire hydrants on access road width 26 feet minimum."

5.2 **Ms. Price** went over the conditions of approval for the benefit of the applicant as follows:


- 5.2.1 The original plat for 5170 S 1130 W is amended, if applicable.
- 5.2.2 The plat is recorded with Salt Lake County.
- 5.2.3 A Title Report that is less than 90 days old at time of recording is submitted.
- 5.2.4 Drive approaches, city street lights and hydrants are added to the plat and plans.
- 5.2.5 A note is required on the plat stating that parking is not allowed on the easement or private lane, there will be no City maintenance on the private lane, and an easement is granted to the adjacent property owner to access their property.
- 5.2.6 A ten foot (10) Public Utility Easement (PUE) on the front and rear of the subdivision, and five-foot (5) on the side yard.
- 5.2.7 Signature blocks on the plat need to be updated.
- 5.2.8 A five-foot (5') right-of-way is added to the front lot for the potential to widen the private road in the future.
- 5.2.9 All easement, access and circulation issues are cleaned-up for the properties on the private drive.
- 5.2.10 The length of the private lane needs to be included on the plat and plans.
- 5.2.11 Contours and utility easements need to be included on the plat.
- 5.2.12 All adjacent property owners need to be identified on the plat.
- 5.2.13 Storage and percolation rates need to be re-examined and updated on the civil set.
- 5.2.14 An updated Geotechnical Report is submitted.
- 5.2.15 Meet with Taylorsville Bennion Improvement District to discuss sewer and water issues for the proposed subdivision.
- 5.2.16 The final plat is compliant with all applicable codes and ordinances.
- 5.2.17 The applicant will comply with the requirements of all reviewing agencies.
- 5.2.18 All applicable fees and bonding are paid prior to recording of the plat.

- 5.3  7:33 PM **Ms. Price** said she had received several public comments, a few of which were just people asking questions and two people at the end of the private road were opposed. There have been questions regarding the private road and why the City is not requiring the applicant to widen the road. In answer to that Ms. Price said that the City has no jurisdiction to do that within the City Code. However, if the property owners wanted to come together and each give a portion of their property up to widen the road then the City would be more than willing to help facilitate that discussion by offering the space to hold such a meeting. There is no intent on the part of the City to require anyone give up any part of their property along that road for widening it.

5.4 **Findings:**




- 5.4.1 This application was initiated by Virgil Grillone.
- 5.4.2 The property is zoned R-1-20.
- 5.4.3 The applicant is requesting preliminary approval for a two-lot subdivision.
- 5.4.4 The proposed plat meets the required size and setbacks for the R-1-20 zone.
- 5.4.5 There is an existing duplex that will be demolished and replaced with two new homes.


- 5.4.6 The applicant is requesting a sidewalk, park strip, curb and gutter waiver. The waiver has been recommended by the City Engineer, Nick Patterson.
- 5.4.7 The applicant is proposing a hammerhead per UFA recommendations.



5.5 **Staff Recommendation:** Staff recommends approval of the Preliminary Plat for File 3S18 for the Strata Subdivision located at 5170 South 1130 West, based on the Findings and Conditions for Approval found in the Staff Report.  7:36 PM


5.6 **Discussion:**  7:37 PM


5.6.1 **Commissioner Peterson** asked about Condition for Approval #5 specifically was the private road East/West and **Ms. Price** said it was North/South. She said that was in Code to not allow parking on a private lanes or drives. That Staff wanted to make sure that is included on the recorded plat. **Commissioner Peterson** wanted to know how that would be enforced, for instance signage. **Ms. Price** said that it is recorded with the plat – not something the City would enforce. Perhaps on complaints, Code Enforcement would go check it out.

5.6.2 **Commissioner Wendel**  7:38 PM was concerned about how that road gets managed. If it is not going to be maintained by the City and the City has no ability to change the easement to widen it, then how would there be any influence what so ever. **Ms. Price** asked if she was referring to the private **drive** or a private **lane**. **Commissioner Wendel** said she was not sure and needed clarification. **Ms. Price** said that how that would be dealt with as a private drive would be a great question for the residents in attendance tonight to answer. **Ms. Price** said that it would end up being between the two property owners in question to maintain that.  7:39 PM **Commissioner Wendel** then asked for clarification about which is the one, drive or lane, that Staff prepared the response for that they want widened. **Ms. Price** said that would be the “drive”.  7:39 PM There is no consensus in place about widening or not widening it at this point in time. As far as the maintenance of that private road goes, she suggested asking the residents themselves how they actually are maintaining that now. There will be a note on the plat that there is no City maintenance available for this property.

5.6.3 **Commissioner Barbieri** said because there are questions about the private lane that this is a good opportunity for the City to work out these problems with the property owners. **Ms. Price** said the City would like to see this site cleaned up and is internally still trying to figure out how to accomplish that and who is responsibility for that tasking; applicant, property owners, etc. This road is the only one of its type in the City with so many easement issues. **Mr. McGrath** advised that better standards are in place now in the Code than were present years ago when all this was established. Staff is going to look at the global situation and make sure that every property has clear access, that the easements are in place. Staff will meet with the City Engineer to determine exactly what needs to take place with these particular properties.  7:41 PM **Ms. Price** said the distinction here which has been in place since Mr. Grillone first came in, is while he is splitting his lot in two he is going to have the same number of homes there because there is already a duplex there. In the past there have been issues with the road but that was because they were subdividing property out which needed access. Mr. Grillone's property already has access to it, as do the other property owners on that private road. The distinction is that Mr. Grillone's property had already been granted that right of access for many years.


5.6.4  7:43 PM **Commissioner Quigley** wanted to know what the requirements were for the road base and **Ms. Price** advised the road has been there for over 50 years but the new road will be 25' right of way, 20' paved. Right now, to put it in Code terms, the private road is a non-conforming use.  7:44 PM

5.6.5 **Commissioner Burggraaf**  7:45 PM said Staff has listed several conditions for approval which the Commission must be certain have been met before considering the plat complete. In looking at Chapter 13.30, which talks about the process, he wanted to make sure the Commission does it right so it won't be kicked back for correction at a later date. **Ms. Price** felt the plat is complete with adding a few minor details thereto. She felt comfortable bringing it before the Commission for approval tonight. None of those changes are major in nature.


5.7 **Applicant Address:** **Mr. Grillone** was present.  7:49 PM He advised the City's Development Review Committee was great to work with and had addressed all concerns. Staff has been very accommodating with information relative to City requirements. He plans to do top qualify work on these homes and the site and assured Commissioners these are going to be very nice homes with terraces, gardens and trees. He plans to demolish the existing duplex and replace with very nice homes. **Commissioner Quigley** asked about the square

footage of the two homes and was told they are still trying to figure that out for certain but that it hovered between 3,400 to 3,500 square feet.

- 5.8 **Speaking: Commissioner Wendel** opened the public hearing and asked if anyone wished to speak in favor or opposition to this proposal to please come forward.

5.8.1 **Sharon Lee** -  7:53 PM lives in the house furthest east on the easement.

5.8.1.1 She gave some background for this area in saying that her father purchased three and a third acre there and sold the back two acres and kept one and a third. There is a very clear definition of what the easement is on the original plat originated in 1977. It has been very clear what the easement is. Her father did own the easement all the way back until about five or six years ago when a home was added on the northwest end at which time the last third of the easement was sold with that property. A couple of years later, her family sold the lot next to hers, so that portion of the easement goes with that house. All along, the easement has been very defined. She and her husband do not want to widen the easement because it would take some of her trees and require her to move the driveway. She agrees that there needs to be something in place on how to maintain the easement. When the home next to her was built last year, there was a considerable amount of damage done to the asphalt and it was a brand-new asphalt easement four years ago. The Water/Sewer Company put in a completely new easement with asphalt and now it is crumbling and has cuts in it. She does not want more homes built back there but if it happens she would like an easement agreement in place that says if they damage it, they will be responsible for repairs thereto. She had talked to the developer and he said any subsequent damage is the responsibility of the land owners. She wanted to make sure that if the developer destroys it, he must be liable to fix it, through an easement agreement. She has been assured by the developer that he would honor such an agreement. She also would like that easement to contain future maintenance for that access after all the construction is finished. She has been opposed to this because the easement is not wide enough for a lot of traffic. One reason she likes living there is because of the open fields and to allow this project would mean they are just like any other subdivision in the City.



5.8.1.2 **Commissioner Quigley** asked her if she lived in the house on the southeast corner. She said that was correct, they own the first .58 acre and the lot next to her is .72 acre.  7:56 PM **Commissioner Quigley** asked if she sold the lot to the west of her, with the intention of someone building a house there. **Ms. Lee** said that was correct, she knew they intended to build a house there. **Commissioner Quigley** said that his comment then was she was okay with selling off a lot to someone to build a house but doesn't want someone else to do the same thing due to losing open space. **Ms. Lee** indicated that she does understand that people have the right to do what they want with their land. She just was saying that her personal preference is to leave the field as is. If the developer were to take out the duplex and replace it with one house, she would have no problem with it. Her main concern is the easement is not wide enough to allow two cars to pass each other safely. She said that 1130 West has no sidewalk or gutter in place anywhere because it is designated as a country road. She reiterated that her request is that the developer cannot move forward with any building until an easement agreement is place which covers possible damages incurred during construction.

5.8.1.3 **Commissioner Wendel** asked Ms. Lee if she has had occasion to discuss this issue with the current developer and she replied that she has had one such conversation during which he said that it was the home owner's responsibility and not his. **Commissioner Wendel** asked her how they have been handling the maintenance up to the present time and she replied that at first it was a dirt road for many years. Then her father and the person who bought the property where the duplexes were built partnered to put in an asphalt road. About five years ago, when the house on the northwest corner was added, the City required that a sewer line be run back there to replace the septic tank. When that happened, she had to take out her trees and bushes to make that a utility easement as well. That her neighbor, Scott Muselin, has a small front-end loader with which he clears the road. With new people it won't be the same, where everyone works together to maintain it.

5.8.1.4 **Commissioner Wendel** said that she is struggling with one of the reasons Ms. Lee says she loves her community is because of all that private property and the right to privacy and being able to maintain the road themselves. She wanted to know how Ms. Lee sees the City having any power, influence or right to prevent a legal development from occurring based on her personal interests and a private relationship regarding the easements. It sounded to her as if Ms. Lee is wanting the Commission to intertwine her request for a legal agreement between private property owners on private property and keep the Commission from doing what they have to do with the application that by law was legally presented to them. **Ms. Lee** said there is no reason compelling the developer to sign an easement agreement if he is not made to do so. However, if he knows that he can't move forward with building until that is done it might



make a difference. When the Perkins family built their home on the west north end, she was told by the City that they had to have an easement agreement in place at that time. So, the City has made that a requirement previously.


5.8.1.5 **Commissioner Wendel** thanked her for that explanation and turned back to Staff for the answer as to if that is a possibility this time for the application to be held up for lack of the easement

agreement.  8:02 PM **Mr. McGrath** said he was not exactly sure what the easement language says, typically there would be language in the recorded easement that talks about maintenance and responsibilities, etc. Ultimately it is private property and if there is a dispute between the property owners it is a civil issue and given that it is not a public road, the City has no legal authority there. **Ms. Price** added that the City Manager, John Taylor, suggested to her to have the applicant come and meet with Ms. Lee because he had spoken with her two years ago about the Perkins' property and knew she understood the easement because her family has lived there for many years. Her understanding is that the reason the easement was required on the Perkins' property back in 2006 was because that property did not have access yet. So, if this piece of property was a new piece of property without any homes thereon, everyone would probably be going through some of those similar conversations.  8:03 PM


5.8.2 **Scott Muselin - (5176 South 1130 West).** **Mr. Muselin** owns the one-acre lot directly west of this site. **Mr. Muselin** indicated he would read two statements.

5.8.2.1 The first one is for Justin Perkins, who is out of State on vacation and owns a half acre property north of the applicant's piece of property and who has asked Mr. Muselin to read



his comments to the Planning Commission for the record:  ***"To whom it may concern, as I am unable to attend the hearing in person, I have asked Scott Muselin to read this for me. I do not have objections to the division of the lot in itself as long as it meets size guidelines for the neighborhood. I am, however, concerned with the width of our private road, the size of easement and a turnaround at the end. It would really be better if the road could be widened to 20 feet to better accommodate the two lots. I would like to have an easement given out of the north lot for an expansion, if needed. It could be laid alongside the easement that belongs with my lot to the north."*** (at this point, **Mr. Muselin** walked away from the microphone to show where Mr. Perkins' property was on the image and where his easement was located.) He said what Mr. Perkins has recommended is that the easement be widened in front of the new property to 20'. To his understanding, Mr. Perkins is not suggesting widening it all the way down to 1130 West. He went back to reading Mr. Perkins' statement: ***"As far as the turnaround at the end of the road, I would really like to have the paved section remain so, for traffic to turn around, I would like that to stay. We have seen the placement of a marker, like a surveyor had come out. There is a spot*** (he went to the image off mike to show that "spot") He continued with Mr. Perkins' statement: ***"We have seen the placement of a marker for the northwest corner of the lot. If a fence, building, or grass were put in up to that corner, it would become quite difficult for us to get out of our driveway and likely impossible for Scott to have access by vehicle to his property. I would appreciate it if these issues are resolved before the division is granted. Thank you – Justin Perkins."***  8:08 PM **Commissioner Wendel** asked Staff if there were any reason to believe that it would be impeding Mr. Perkins' ability to get out of his driveway based on what is displayed on the plat right now. **Ms. Price** said no,

not based on what she has seen on the plat.  8:12 PM That she and Mr. McGrath had gone to the site this afternoon and looked at the survey marker. Based on how the applicant is proposing where the structure is going to be it is setback quite far and it looks the private lane on the west side of the property looks like it will align perfectly with the existing area along the edge of the property there. **Mr. Muselin** said for clarification, tonight is the first that he has seen the plans, so he was positive that Justin (Perkins) had not seen them either, therefore, they have all been working in the dark so to speak and imagining the worst. They could probably install a fence, but it would be affected by an easement there. Even with an easement in place, if someone were to actually put in a fence it would make life miserable for himself and for Justin too. It was very helpful to hear what is really going on as learned in tonight's meeting.

5.8.2.2 The second statement was Mr. Muselin's, which he also wanted to read into the record. ***"My name is Scott Muselin and I have owned and lived at 5176 South 1130 West since 1992, which my wife and I purchased the property on contract. My acre property is directly west of the applicant's property being considered for subdivision. Contrary to the opinion of my friend and neighbor Justin Perkins, just read to the Commission, my opinion of this proposed lot division is in opposition to subdivision of this property. My opposition reasons are many but center primarily around whether this parcel of land is dividable into two lots, adjudicated 20,000 square foot minimum for buildable lots in this area. The Fire Department and equipment access to this area has always been a concern. In speaking with Tom Smolka on Monday, 11 June 2018, who serves with the United Fire Authority as Fire Marshal for this area, it was his opinion that all fire paved access roads, in other words the hammerhead that we are speaking of here, and their square footage are devoted to that purpose and, therefore, subtracted from the lots' buildable square footage. However, Tom further suggested that the ultimate decision rested with this Taylorsville Planning Commission as to the final adjudication of this lot division with fire access deviation. I am requesting a full and property parcel survey at the City of Taylorsville expense to insure there are in fact two buildable lots of 20,000 square foot for this parcel to be divided with the subtraction of square footage devoted to fire equipment access. If in fact the buildable square footage of the property falls below this minimum, then a re-zoning request by the applicant would be in order unless this Commission has already approved an image. On a personal note and hopefully not boring the Commission with historical details, I have lived on my property at this location for the past 26 years. There have been many development changes over these years with many new houses springing up everywhere along 1130 West. My house and the applicant's current duplex which he plans to demolish were designed to have the houses positioned on the north end of the property with the majority of the south end devoted to horse corrals. This open space still exists today on both properties, although the horses are long gone. My horses were sold off long ago and, in their absence, I have lost my livestock privileges for my property. The same is true for the applicant's property. The difference is I was here and remember the past where the current applicant does not and further he has no plans to be a resident or neighbor. This current proposed lot division on this applicant's part is purely profit driven with no consideration and the applicants are neither and neighbor or a part of the community, including the ramifications of building two houses on this property related to the rest of this small neighborhood. My preference would be to have this applicant demolish the existing duplex, if he wishes, or re-build it or build one new single-family home on the existing property without division of lots. It would be a bonus to have the applicant take possession as a new home owner and a neighbor. That completes my statement."***

5.8.3 **Commissioner Wendel** asked Mr. Muselin if because he did not have so much information before tonight's meeting, there were anything in his statement or position that had changed at all knowing about the hammerhead, drive back to the property and knowing that there is nothing in the City ordinance that doesn't allow us to exclude that private drive coming down. She asked if there were anything about the information tonight that would alter his statement. **Mr. Muselin** said there was nothing that would alter his statement because he is personally involved, and he has longevity on the property. He did understand that the Commission's hands are more or less tied also and if everything is orderly with this applicant's purposes of dividing this property and if everything meets City Code and Standards, especially the Fire Marshall. If the Fire Marshall is happy, everyone is happy because he has been a stickler for the rules in this area in the past, so he has kept us safe, which is all good. He said when he steps out his front door and looks to the south he is looking at his three quarters of an acre that is still corral. Peripherally, out his front door he cannot see the applicant's duplex currently. What he can see is his three quarters of an acre corral space. **Commissioner Wendel** thanked him for sharing his passion about living in Taylorsville, really appreciating him being here tonight. **Mr. Muselin** likewise wanted to thank the City of Taylorsville for putting in Millrace Park instead of a subdivision for hundreds of homes as they very well could have done.  8:23 PM **Commissioner Wendel** thanked him for his comments and suggested he would certainly be an asset for the City's Historical Preservation Committee and suggested that he look into working with that Committee, to which **Mr. Muselin** said he would be happy to do that.


5.8.4

Glen Lee -  8:24 PM He advised in statements that have been made several references were made about private road, lane, right of way and easement. All four of those have been used interchangeably tonight, they mean complete different things. A private lane and a private road is also an easement. What he wanted to do is have somebody review the documents and make sure that verbiage is correct throughout. A private road is a lot different than a private lane as to width, and easement is a lot different. In regard to easement, one of the biggest concerns noted tonight is damage to the road and that is because his father-in-law and another gentleman down the road put a road in and then when Justin Perkins built his home, it took over 20 ten-wheeler loads of dirt out of the property, which did a lot of damage to the road. Then sewer and power were installed up the road. They completely re-built the road with eight inches of road base and four inches of asphalt. When the Tayberts bought their property and built a house, they ran the power along the fence line across the road, so they had to dig a trench through the road, so there is a swatch there now that is just dirt. Unfortunately, when their contractor was putting in their gas line they hit the main gas line and the Fire Department had to come out. Right in front of his house, Dominion Gas had to dig a four-foot hole in the road to turn off the gas right there. The Tayberts are responsible, however, are going to do it through the gas company as the contractor to repair the road. He had previously done construction and knows that tearing down that duplex and building new homes will cause damage to that roadway. As they discussed that with this applicant he was more than willing to take care of it, after the fact that the homes were built.  8:25 PM

5.8.4.1 **Mr. Lee** would like the contractor to be required to repair the road. The Lee family feels strongly about this and has already contacted a lawyer in the event this becomes an issue in the future. He said when the Tayberts' home was built it created the necessity for the Lee family to change their address by one number which created a mess for them in making all the notifications necessary. **Mr. Lee** asked Ms. Price to display the proposed plat map for discussion. His reason was that the applicant said they were going to have a hammerhead on their property. Regarding the hammerhead, his point was that the residents will be responsible for easements on both roads. There will be two contracts, one between themselves or it can be put altogether but that is yet to be determined. Another thing he has noticed is in looking at the Millrace Subdivision put in by Brent Overson next to this one. Most of that property is actually the road. He found it hard to believe that the hammerhead goes right up to those houses and he did think there was a driveway there. He did not see them no parking or using that hammerhead for their private parking. That his back-yard borders Millrace Park and there is an emergency turn around there and he noticed daily that he has had to go there and chase people out of there who use it for various reasons. For that reason, he did not believe people in this project will not park on the hammerhead because there will be no enforcement preventing that. He felt that factor alone would diminish the value of the property. The applicant also said that these are going to be high end homes. The problem with that is the other homes have been there for 30 to 40 years and he felt the high-end homes would increase his property taxes. He said he was aware that his opinion cannot influence the law, so that may create the perception of the neighbors being a little stand offish, but they just want what is right for everyone.



5.8.4.2 **Commissioner Wendel** empathized with Mr. Lee but said he was correct in that those decisions must be based on City Code and State Statute. **Mr. Lee** asked to continue speaking and **Commissioner Wendel** said that would be fine if it is new information.

5.8.4.3 **Mr. Lee** said that while he was researching the law he ran across the Taylorsville General Plan from 2006 and found it interesting because it says, "community character is also very fragile and can be easily changed, tarnished or destroyed" It further said that community character can be broadly defined as an emotional attachment or sense of belonging to residents in a geographical area. He added that there were two things that Ms. Price said that bothered him, one of which relates to her saying "This area use to be" and there are only three areas in the City that are urban residential, which are kind of protective because of lot size. He expressed he was aware that they cannot stop this project but felt it would be beneficial to the neighbors if they only built one home there instead of two. Another thing Ms. Price mentioned when they were talking about easements, she said "at this time". He said that his driveway goes right out to this and if they take 5 or 8' of his driveway he would have nowhere to park his car. When they put in the road to Mr. Perkins property they took out three trees and a bunch of bushes. **Commissioner Wendel** asked Ms. Price for clarification on Mr. Lee's concerns. **Ms. Price** said that the City cannot force anyone to widen that road. The City is asking the applicant to put 5 feet in there and if the neighbors


want to sit down around the table and discuss that, they can. This is not something the City is going to make anyone do. That is the decision of property owners who own the easements. Regarding the “use to be” comment, she has been down there quite a bit lately and found it to be a very lovely area and she was empathetic to the neighbor’s concerns and not wanting to see change by adding more houses. The comment was specifically related to the old zoning that used to be there before the current zoning adopted in 2012. She wasn’t referencing the changing of the neighborhood character so much as acknowledging that it was previously agricultural in nature and no longer is.  8:34 PM

5.8.4.4 **Commissioner Wendel** suggested the neighbors already have a good community involvement and might want to discuss things more between each other and work things out to make it more agreeable to everyone concerned. She felt that that community wants a little more structure and it will take all neighbors working together to achieve that. What she heard to be the biggest issue was the easements as they affect the quality of life in the community.

5.8.5 **Applicant Readdress: Mr. Grillone** came back up to answer any questions. **Commissioner Quigley** asked him if during doing the construction, he damages the road, why he wouldn’t take

responsibility for that.  8:41 PM **Mr. Grillone** said that he needed to apologize to “Sharon and Lynn” because he felt there was a misunderstanding. They made the comment that the road was damaged by the Tayberts’ further development. That he made the specific comment that whoever damages it needs to pay for it. He said if he were at fault he would be happy to pay for it. That is what he said. **Commissioner Quigley** was satisfied with that answer, saying that he just wanted it clarified. **Mr. Grillone** said that the first meeting he had with the City Staff he was happy to donate the whole corner of the lot to allow for a legal turnaround for emergency vehicles. He felt that if he was willing then to donate that much land to allow further expansion in the future, he saw no reason why he would not be willing to repair damages I was responsible for. He also had said he would pitch in with other neighbors down the road on regular maintenance on that access. He apologized that there was a misunderstanding concerning his intentions. People in the audience questioned that because he would not be living in either of the homes. He said that was correct but after the homes are sold, the owners themselves would assume that responsibility for the private road. **Commissioner Quigley** added that he understands what the neighbors are saying that he is the developer and not the owner, but the fact remains these are high end homes and whoever buys these will be owner occupied and will have the pride in ownership as does the rest of the neighborhood. **Mr. Grillone** advised that essentially, he is replacing the duplex with two single family homes of very high quality which will not negatively impact the neighborhood at all and he is sure the neighbors will be pleased with the finish produce.  8:47 PM

5.9 **Commissioner Barbieri** thanked all the public residents for coming to tonight’s meeting. She felt this is a This is a real change to the neighborhood and she was empathetic to what they see going on around them. There is a definite problem with shortage of housing everywhere in Taylorsville and everywhere in Salt Lake County. She felt the only solution to prevent it is to keep one’s land and never sell it. She appreciated the property owner answering the neighbor’s questions. **Commissioner Barbieri** continued on to say that it sounded like with the small community that is there, they could work together to find a common ground involving the need by some for smaller easement for some and wider easement for others. When there is development like this, there is always a really good chance especially when there are only two lots, that conversations could develop some great compromises that everyone is happy with. The good news is that this site backs up to Millrace Park.

5.10 **MOTION:**  8:49 PM **Commissioner Barbieri** - I’ll make a motion that we approve the preliminary plat for a two-lot subdivision, File #3S18, with all the Findings in the Staff Report.
SECOND: Commissioner Peterson
Commissioner Wendel repeated the motion to approve File 3S18 for a two-lot subdivision located at 5170 South 1130 West based on the Findings and Conditions of Approval as stated in the Staff Report. along with the Conditions recommended during the presentation.
VOTE: Commissioner Peterson – AYE, Commissioner Barbieri – AYE, Commissioner Quigley – AYE, Commissioner Warnas – AYE, Commissioner Burggraaf

DISCUSSION ITEM

6. Discussion on Field Trip to Farmington Station on June 26, 2018. (Mark McGrath/Director of Community Development).

Mr. McGrath discussed the itinerary with the Commissioners for the field trip on June 26, 2018 to Farmington Station.



8:52 PM

CITY COUNCIL MEETING DISCUSSION: **Commissioner Burggraaf** outlined what had transpired during the City Council meeting held on June 6, 2018.



9:24 PM

ADJOURNMENT: By motion of **Commissioner Quigley** the meeting was adjourned at 9:28 p.m.



9:28 PM

Respectfully Submitted by:

Jean Gallegos, Administrative Assistant/Recorder for the
City of Taylorsville Planning Commission.

Minutes approved in meeting held on August 14, 2018